

FARGO CITY COMMISSION AGENDA  
Monday, May 16, 2022 - 5:00 p.m.

City Commission meetings are broadcast live on TV Fargo Channel 56 and online at [www.FargoND.gov/streaming](http://www.FargoND.gov/streaming). They are rebroadcast Mondays at 5:00 p.m., Thursdays at 7:00 p.m. and Saturdays at 8:00 a.m. They are also included in the video archive at [www.FargoND.gov/citycommission](http://www.FargoND.gov/citycommission).

- A. Pledge of Allegiance.
- B. Roll Call.
- C. Approve Order of Agenda.
- D. Minutes (Regular Meeting, May 2, 2022).

**CONSENT AGENDA – APPROVE THE FOLLOWING:**

- 1. Addendum to Promissory Note PACE Program, Interest Buydown Agreement, Escrow Agreement and Community PACE Interest Buydown Authorization with LINCHPIN Group LLC.
- 2. 1st reading of the following Ordinances:
  - a. Relating to Classification of Ordinance Violations.
  - b. Relating to the International Building Code.
  - c. Relating to the International Residential Code.
  - d. Relating to the International Existing Building Code.
  - e. Relating to the International Mechanical Code.
  - f. Relating to the International Fuel Gas Code.
  - g. Relating to the International Property Maintenance Code.
  - h. Relating to the International Energy Conservation Code.
  - i. Relating to Fire Protection and Prevention.
  - j. Relating to Civil Service-Rules and Regulations.
- 3. Site Authorizations for Games of Chance:
  - a. Horse Race North Dakota at Edgewood Tavern.
  - b. Horse Race North Dakota at Chub's Pub.
  - c. Horse Race North Dakota at Sidestreet Grille and Pub.
  - d. Horse Race North Dakota at Sickies Garage – Fargo.
  - e. Horse Race North Dakota at Labby's Bar & Grill.
  - f. American Gold Gymnastics, Inc. at Drumconrath Brewing Co.
  - g. American Gold Gymnastics, Inc. at The Box.
  - h. Prairie Public Broadcasting, Inc. at Dempsey's.
  - i. Prairie Public Broadcasting, Inc. at Slammer's Sports Bar & Grill.
  - j. Prairie Public Broadcasting, Inc. at Pepper's.
  - k. Prairie Public Broadcasting, Inc. at Tailgator's.
  - l. Prairie Public Broadcasting, Inc. at Bison Turf.
  - m. Fargo Post 2 Baseball Club at Herds and Horns.
  - n. Team Maker's Club, Inc. at Legends Sports Bar & Grill.
  - o. Team Maker's Club, Inc. at FARGODOME.
  - p. Team Maker's Club, Inc. at Sanford Health Athletic Complex – Scheel's Arena.
  - q. Team Maker's Club, Inc. at Lucky's 13 Pub.

- r. Team Maker's Club, Inc. at Holiday Inn.
  - s. Team Maker's Club, Inc. at King Pinz.
  - t. Team Maker's Club, Inc. at Frank's Lounge.
  - u. Northern Prairie Performing Arts at the Windbreak Lounge.
  - v. Northern Prairie Performing Arts at SouthTown PourHouse – Fargo.
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- 4. Applications for Games of Chance:
    - a. Dare 2 Stand Out for a raffle on 9/10/22.
    - b. Provost Guard for a raffle on 9/8/22.
    - c. FM AM Rotary for a sports pool from 9/1/22 to 2/15/23.
  - 5. Modification to the language in the Gambling Requirements under Requirement No. 1.
  - 6. Independent Auditor's Report and the City's Annual Comprehensive Financial Report for the year ending 12/31/20.
  - 7. Contract Amendment No. 2 with Houston Engineering in the amount of \$465,000.00 for Project No. FP-19-A0.
  - 8. Contract Amendment No. 3 with Houston Engineering in the amount of \$37,000.00 for Project No. FM-19-C0.
  - 9. Memorandum of Understanding Regarding Excavation of Southwest Metro Regional Pond (Project No. FP-19-A4).
  - 10. Permanent Easement (Levee and Retaining Wall for Flood Control), Permanent Easement (Storm Sewer), Easement (Temporary Construction Easement) with Paul J. and Ann L. Jarvis (Project No. FM-19-C).
  - 11. Bid award for Project No. FM-22-C1 (Nos. FM-22-C2 and FM-22-C3).
  - 12. Energy Conservation Program Grant Agreement with the North Dakota Department of Commerce.
  - 13. Receive and file General Fund – Budget to Actual through April 2022 (unaudited).
  - 14. Bid award for one anti-ice skid (RFP22080).
  - 15. Bid award for HVAC Mechanical Equipment package – Public Works (RFP22074).
  - 16. Seventh Amendment to Lease of Rights to Sewer System between City of Fargo and City of Harwood.
  - 17. ND Department of Transportation Sections 5339 and 5310 Transit Grant Agreements (CFDA #s 20.526 and 20.513).
  - 18. Change of the Drought Phase to Phase 1 (Normal).
  - 19. Request for Proposals to procure Granular Activated Carbon filter media for a rehabilitation project at the Lime Softening Water Treatment Plant.
  - 20. Contract and bond for Project No. SL-22-A1 and TN-22-B1.
  - 21. Bills.

Page 24. Bid award for the following Improvement Districts:

- a. No. BN-22-L1.
- b. No. PN-22-A1.

25. Contract and bond for Improvement District No. BN-22-K1 and PR-22-C1.

**REGULAR AGENDA:**

26. **RESIDENT COMMENTS (Fargo residents will be offered 2.5 minutes for comment with a maximum of 30 minutes total for all resident comments. Residents who would like to address the Commission, whether virtually or in person, must sign-up at FargoND.gov/VirtualCommission).**

27. **\*Public Input Opportunity\* - PUBLIC HEARINGS - 5:15 pm:**

- a. Maplewood Estates Second Addition (5800 and 5820 38th Street South); approval recommended by the Planning Commission on 10/5/21:
  1. Zoning Change from AG, Agricultural to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay.
  2. 1st reading of rezoning Ordinance.
  3. Plat of Maplewood Estates Second Addition.

28. Recommendation to create a Task Force to address Street Racing.

29. Recommendation for appointments to the Economic Development Incentives Committee.

30. Update on the Roers/Newman Center Project.

31. Recommendation to designate Downtown Cab and Ride Share Pick-up areas.

32. Bid advertisement for Project No. FM-22-B.

27a

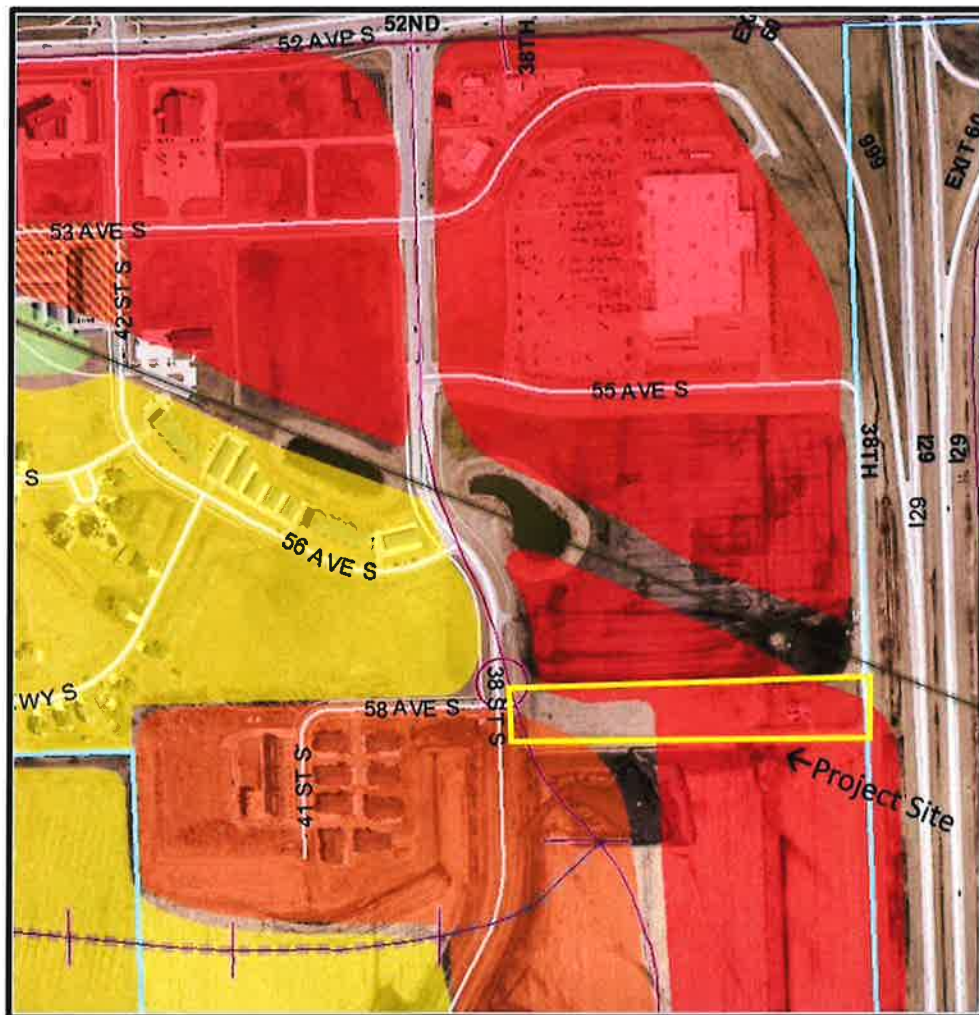
City of Fargo Staff Report			
<b>Title:</b>	Maplewood Estates Second Addition	<b>Date:</b> <b>Updated:</b>	9/2/2021 9/29/2021 5/12/2022
<b>Location:</b>	5800 and 5820 38th Street South	<b>Staff Contact:</b>	Donald Kress, planning coordinator
<b>Legal Description:</b>	A portion of the Northeast Quarter and a portion of the Southeast Quarter of Section 3, Township 138 North, Range 49 West		
<b>Owner(s)/Applicant:</b>	Eagle Ridge Development, LLC / Jon Youness	<b>Engineer:</b>	KPH, Inc
<b>Entitlements Requested:</b>	<b>Zoning Change</b> (From AG, Agricultural to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay); a <b>PUD Master Land Use Plan</b> ; and a <b>Major Plat</b> (replat of a portion of the Northeast Quarter and a portion of the Southeast Quarter of Section 3, Township 138 North, Range 49 West to the City of Fargo, Cass County, North Dakota)		
<b>Status:</b>	City Commission Public Hearing: May 16, 2022		
<b>Existing</b>		<b>Proposed</b>	
<b>Land Use:</b> Undeveloped		<b>Land Use:</b> Multi-dwelling residential	
<b>Zoning:</b> AG, Agricultural		<b>Zoning:</b> MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay	
<b>Uses Allowed:</b> AG Allows detached houses, parks and open space, safety services, basic utilities, and crop production.		<b>Uses Allowed:</b> Allows detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities.	
<b>Maximum Density Allowed:</b> 1 dwelling unit per 10 acres		<b>Maximum Density Allowed:</b> 24 dwelling units per acre <b>PUD proposes increased density of 36 du/ac</b>	
<b>Proposal:</b>			
<p>The applicant requests approval of three entitlements:</p> <ol style="list-style-type: none"> <li>1. A zoning change from AG, Agricultural to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay;</li> <li>2. PUD Master Land Use Plan within the boundaries of the proposed Maplewood Estates Second Addition; and</li> <li>3. A plat of the <b>Maplewood Estates Second Addition</b>, a replat of a portion of the Northeast Quarter and a portion of the Southeast Quarter of Section 3, Township 138 North, Range 49 West to the City of Fargo, Cass County, North Dakota.</li> </ol> <p>The subject property is located on the east side of 38<sup>th</sup> Street South, in an area annexed to the City in January, 2021.</p> <p><i>Property Address History Note: When the project was submitted in July, 2021, the property addresses were 5801 and 5605 38<sup>th</sup> Street South, based on the properties being accessed by the frontage road on east side of the properties. These addresses changed to 5800 and 5820 38<sup>th</sup> Street South on August 27<sup>th</sup>, 2021, as a result of the completion of 38<sup>th</sup> Street South along the west side of the subject property.</i></p> <p>(continued on next page)</p>			

### Surrounding Land Uses and Zoning Districts:

- North: LC, Limited Commercial; currently undeveloped. Pending development is The District of Fargo Fourth Addition with LC, Limited Commercial and MR-3, Multi-Dwelling Residential uses
- East: North Dakota Department of Transportation right of way for Interstate 29
- South: P/I, Public /Institutional; future Sanford sports complex
- West: MR-3 with attached single-dwelling development

### Area Plans:

This subject property is located within the 2007 Growth Plan, which designates portions of the property for Commercial and Residential Area—Medium to High Density. The proposed project focuses on the high density residential, which ties in with the property west of 38<sup>th</sup> Street South and the property adjacent to the north, the proposed The District of Fargo Fourth Addition, which also include areas designated as Medium to High Density Residential. The proposed MR-3 zoning is consistent with the Medium to High Density Land use designation on this property.



- Commercial Area
- Future School
- Proposed Park
- Residential Area - lower to medium density
- Residential Area - medium to high density
- Residential Area - rural

### Project Site Constraints

The long, narrow configuration of the subject property presents development challenges. Additionally, only one access—from 38<sup>th</sup> Street South—is available for this property. Though there is currently a frontage road on the east side of this property, access from this frontage road will be terminated as part of this plat. The modifications to the MR-3, Multi-Dwelling Residential zone proposed by the PUD are intended to deal with these site constraints and develop a high-density residential project in a rapidly developing area of Fargo, where Planning staff believes a high-density is appropriate.

### Zoning Change and PUD Overlay

The applicant has applied for a zoning map amendment and a PUD overlay in order to tailor development standards to the specifics of the proposed project. The modifications to the development standards of the underlying MR-3 zone are shown in the chart below.

	<b>Current LDC development standards for MR-3 zone</b>	<b>PUD modifications to MR-3 zone development standards</b>
Residential Density	24 du/ac	Increase to 36 du/ac
Setbacks	Front 25 ft. Rear 20 ft Interior Side 10 ft Street Side 12.5 ft	<i>No change in dimensions requested. Applicant requests the setbacks be designated as: Front (38th St S) Rear (Interstate) Sides (North &amp; South sides)</i>
Building Coverage	35% of total lot area	<i>Increase to 40%</i>
Minimum open space	35% of total lot area	<i>Reduce to 25%</i>
Parking-Residential—Multi-dwelling	2.25 spaces per unit	<i>Modify parking ratio to: Efficiency units 1.5 spaces per unit 1-bedroom units 1.75 spaces per unit 2-bedroom units 2.0 spaces per unit 3-bedroom units 2.25 spaces per unit</i>
Landscaping—Open Space	3 plant units per 1,000 SF of area; 8 sf per unit,	<i>Modify requirement for 70% of plant units to be in the front setback to requirement for 40% of plant units to be in the front setback and 30% to be on the east side.</i>

### Detailed Comment on PUD Modifications

**Residential Density:** The project proposes a maximum of 200 dwelling units on the 5.63 acre Lot 1, Block 1, yielding a density of approximately 36 dwelling units per acre. Planning staff is willing to support the increased density for this location. (Note that the area of the plat is 5.79 acres. This area includes the

area of the frontage road, 0.15 acres. The density calculation is based only on the area of the buildable lot—5.63 acres--and excludes the frontage road area.)

**Setbacks:** The applicant has not requested any change in setback dimensions, but notes that the setbacks be identified as stated in the chart above for the purposes of site plan review.

**Building Coverage:** The proposed modification to the MR-3 standards is intended to accommodate the proposed building configuration.

**Parking:** The Land Development Code standard parking requirement for residential uses is 2.25 parking spaces per dwelling unit. The applicant proposes a modified parking ratio, with each type of residential unit---efficiency, 1-bedroom, 2-bedroom, and 3-bedroom---having its own parking ratio, 380 parking spaces would be provided on-site, with both underground and surface parking. The applicant has providing a traffic study from a professional traffic engineer to support this request for reduced parking. This study was reviewed by staff, including the City's traffic engineer, and found to be sufficient support for the proposed reduction.

**Open Space:** The PUD proposes a reduction of the 35% open space requirement of the MR-3 zone to 25% to accommodate the proposed building design on this site. Note that "open space" in this situation is defined in the Land Development Code (LDC) as "an outdoor, unenclosed area, located on the ground on or a roof, balcony, deck, porch, or terrace design and accessible for outdoor living, recreation, pedestrian access or landscaping, but not including roads, parking areas, driveways, or other areas intended for vehicular travel." (LDC 20-1202(43)).

**Landscaping—Open Space:** Due to the configuration of the subject property, as noted above, the applicant proposes to modify the Land Development Code requirement that 70% of the required open space landscaping be within the front setback to requiring 40% of the required landscaping to be within the front yard setback and 30% of the required landscaping to be on the east side of the property. The landscaping on the east side would provide additional buffering against Interstate 29. The remaining 30% of the required landscaping would be distributed throughout the project site. The applicant does not propose any reduction in total plant units.

#### **PUD Master Land Use Plan**

The applicant has submitted a project narrative and PUD Master Land Use Plan which further describe and depict the proposed development. These documents are attached.

#### **Final PUD Plan Required Prior to Building Permit Approval**

It should be noted that a PUD has two steps: a Master Land Use Plan and a Final Plan. This hearing does not include the Final Plan. The applicant must submit a PUD Final Plan for review by the Planning Commission when site plans and building permits are submitted. The Planning Commission must find the PUD final plan to be consistent with the PUD Master Land Use Plan prior to building permit approval. Note that the Planning Commission does not approve the actual building permit.

#### **Plat**

The plat proposes to combine the two existing lots, which are a portion of the Northeast Quarter and a portion of the Southeast Quarter of Section 3, Township 138 North, Range 49 West into a single lot.

#### **Access**

The project site takes access from 38<sup>th</sup> Street South, a dedicated public street classified as a collector. The project site will not take access from the I-29 frontage road on the east side of the project site; access from this frontage will be terminated as part of this plat.

(continued on next page)



**Proximity to Interstate 29**

It appears that the closest any residential building on this project site would be to the Interstate 29 road way is approximately 375 feet.

This project was reviewed by the City's Planning and Development, Engineering, Public Works, and Fire Departments ("staff"), whose comments are included in this report.

**Staff Analysis:**

**Zoning**

Article 20-0906. F (1-4) of the LDC stipulates the following criteria be met before a zone change can be approved:

1. **Is the requested zoning change justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map?**  
Staff is unaware of any error in the zoning map as it relates to this property. Staff finds that the requested zoning change is justified by change in conditions since the previous zoning classification was established. The property was included in a City-initiated annexation in January, 2021. It was zoned AG, Agricultural at that time. The MR-3 zone is an appropriate underlying zone for the entire project, as the project proposes a high-density multi-dwelling building with no commercial uses. The proposed PUD zoning is overlain on the underlying zone and is intended to accommodate the development of the proposed project on a site with the constraints noted above. **(Criteria Satisfied)**
2. **Are the City and other agencies able to provide the necessary public services, facilities, and programs to serve the development allowed by the new zoning classifications at the time the property is developed?**  
City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject property fronts on an existing developed public right-of-way which provide access and public utilities to serve the property. **(Criteria satisfied)**
3. **Will the approval of the zoning change adversely affect the condition or value of the property in the vicinity?**  
Staff has no documentation or supporting evidence to suggest that the approval of this zoning change would adversely affect the condition or value of the property in the vicinity. In accordance with the notification requirements of the Land Development Code, notice was provided to neighboring property owners within 300 feet of the project site. To date, staff has received no comment from the public. **(Criteria satisfied)**
4. **Is the proposed amendment consistent with the purpose of this LDC, the Growth Plan, and other adopted policies of the City?**  
The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed PUD is in keeping with Fargo's Comprehensive Plan. Specifically, the City's Go2030 Comprehensive Plan supports development within areas of the City that are already serviced with utilities and also supports developments with increased density. Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, and other adopted policies of the City. **(Criteria Satisfied)**

**Master Land Use Plan:** Article 20-0908.7.B(a-e) of the LDC stipulates that the Planning Commission and Board of City Commissioners shall consider the following criteria in the review of any Master Land Use Plan.



1. **The plan represents an improvement over what could have been accomplished through strict application of otherwise applicable base zoning district standards, based on the purpose and intent of this Land Development Code;**  
The plan represents an improvement over what could have been accomplished through strict application of the base zoning district to create a high-density development. It modifies certain development standards of the MR-3 zone and general development standards in order to provide a higher density housing than would be allowed under the MR-3 zoning. **(Criteria Satisfied)**
2. **The PUD Master Land Use Plan complies with the PUD standards of Section 20-0302;**  
Staff has reviewed the PUD Master Land Use Plan and found that it complies with the PUD standards of Section 20-0302. The PUD modifies some standards of the MR-3 zone and general development standards as outlined in Section 20-0501 and noted above. All other standards and requirements as set forth in the LDC have been met. **(Criteria Satisfied)**
3. **The City and other agencies will be able to provide necessary public services, facilities, and programs to serve the development proposed, at the time the property is developed;**  
City staff and other applicable review agencies have reviewed this proposal. Staff finds no deficiencies in the ability to provide all of the necessary services to the site. The subject property fronts on an existing developed public right-of-way which provide access and public utilities to serve the property. **(Criteria satisfied)**
4. **The development is consistent with and implements the planning goals and objectives contained in the Area Plan, Comprehensive Plan and other adopted policy documents;**  
The purpose of the LDC is to implement Fargo's Comprehensive Plan in a way that will protect the general health, safety, and welfare of the citizens. Staff finds that the proposed PUD is in keeping with Fargo's Comprehensive Plan. Particularly, the City's Go2030 Comprehensive Plan supports development within areas of the City that are already serviced with utilities and also supports developments with increased density. Staff finds this proposal is consistent with the purpose of the LDC, the Go2030 Comprehensive Plan, and other adopted policies of the City. **(Criteria Satisfied)**
5. **The PUD Master Land Use Plan is consistent with sound planning practice and the development will promote the general welfare of the community.**  
The PUD is consistent with sound planning practice and the development will promote the general welfare of the community by providing a residential housing option in a rapidly developing area of Fargo close to recreational facilities, shopping, commercial uses, and educational facilities (the North Dakota State College of Science Career Academy is being developed approximately 0.75 mile from the project site). **(Criteria Satisfied)**

#### **Major Subdivision**

The LDC stipulates that the following criteria is met before a major subdivision plat can be approved

1. **Section 20-0907 of the LDC stipulates that no major subdivision plat application will be accepted for land that is not consistent with an approved Growth Plan or zoned to accommodate the proposed development.**  
The requested zoning for the residential development on this property is MR-3, Multi-Dwelling Residential with a planned unit development overlay. The zoning is consistent with the growth plan designations for this property as noted above. In accordance with Section 20-0901.F of the LDC, notices of the proposed plat have been sent out to property owners within 300 feet of the subject property. To date, staff has received no public comment. **(Criteria Satisfied)**
2. **Section 20-0907.4 of the LDC further stipulates that the Planning Commission shall recommend approval or denial of the application and the City Commission shall act to approve or deny, based on whether it is located in a zoning district that allows the**

<p><b>proposed development, complies with the adopted Area Plan, the standards of Article 20-06 and all other applicable requirements of the Land Development Code.</b></p> <p>The property is proposed to be zoned MR-3, Multi-Dwelling Residential with a planned unit development overlay. As noted above, this zoning is consistent with the 2007 Growth Plan land use designation for this property of Medium to High Density Residential. The project has been reviewed by the city's Planning, Engineering, Public Works, Inspections, and Fire Departments. <b>(Criteria Satisfied)</b></p> <p><b>3. Section 20-907.C.4.f of the LDC stipulates that in taking action on a Final Plat, the Board of City Commissioners shall specify the terms for securing installation of public improvements to serve the subdivision.</b></p> <p>No amenities plan was required for this project, as there are no internal streets. Any improvements associated with the project (both existing and proposed) are subject to special assessments. Special assessments associated with the costs of the public infrastructure improvements are proposed to be spread by the front footage basis and storm sewer by the square footage basis as is typical with the City of Fargo assessment principles <b>(Criteria Satisfied)</b></p>
<p><b>Staff Recommendation:</b></p>
<p>Suggested Motion: "To accept the findings and recommendations of the Planning Commission and staff and hereby waive the requirement to receive the rezoning Ordinance one week prior to the first reading and place the rezoning Ordinance on for first reading and move to approve the proposed 1) Zoning Change from AG, Agricultural to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay; 2) PUD Master Land Use Plan; and 3) plat of the <b>Maplewood Estates Second Addition</b>, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Articles 20-06, 20-0906(F)(1-4), 20-0908.7.B(a-e), and all other applicable requirements of the LDC."</p>
<p><b>Planning Commission Recommendation: September 9, 2021</b></p>
<p>At the October 5 2021, Planning Commission hearing, that Commission, by a vote of 6-0 with one Commissioner absent and four Commission seats vacant, moved to recommend approval to the City Commission of the proposed: 1) Zoning Change from AG, Agricultural to MR-3, Multi-Dwelling Residential with a PUD, Planned Unit Development Overlay; 2) PUD Master Land Use Plan; and 3) plat of the <b>Maplewood Estates Second Addition</b>, as the proposal complies with the Go2030 Fargo Comprehensive Plan, Standards of Articles 20-06, 20-0906(F)(1-4), 20-0908.7.B(a-e), and all other applicable requirements of the LDC.</p>
<p><b>Attachments:</b></p>
<ol style="list-style-type: none"> <li>1. Location Map</li> <li>2. Zoning Map</li> <li>3. Preliminary Plat</li> <li>4. PUD Master Land Use Plan</li> <li>5. PUD Statement and Chart</li> <li>6. Developer's project summary/PUD narrative</li> </ol>



# Zone Change (AG to MR-3 with PUD) and Plat (Major)

## Maplewood Estates 2nd Addition

5800 and 5820 38th Street S

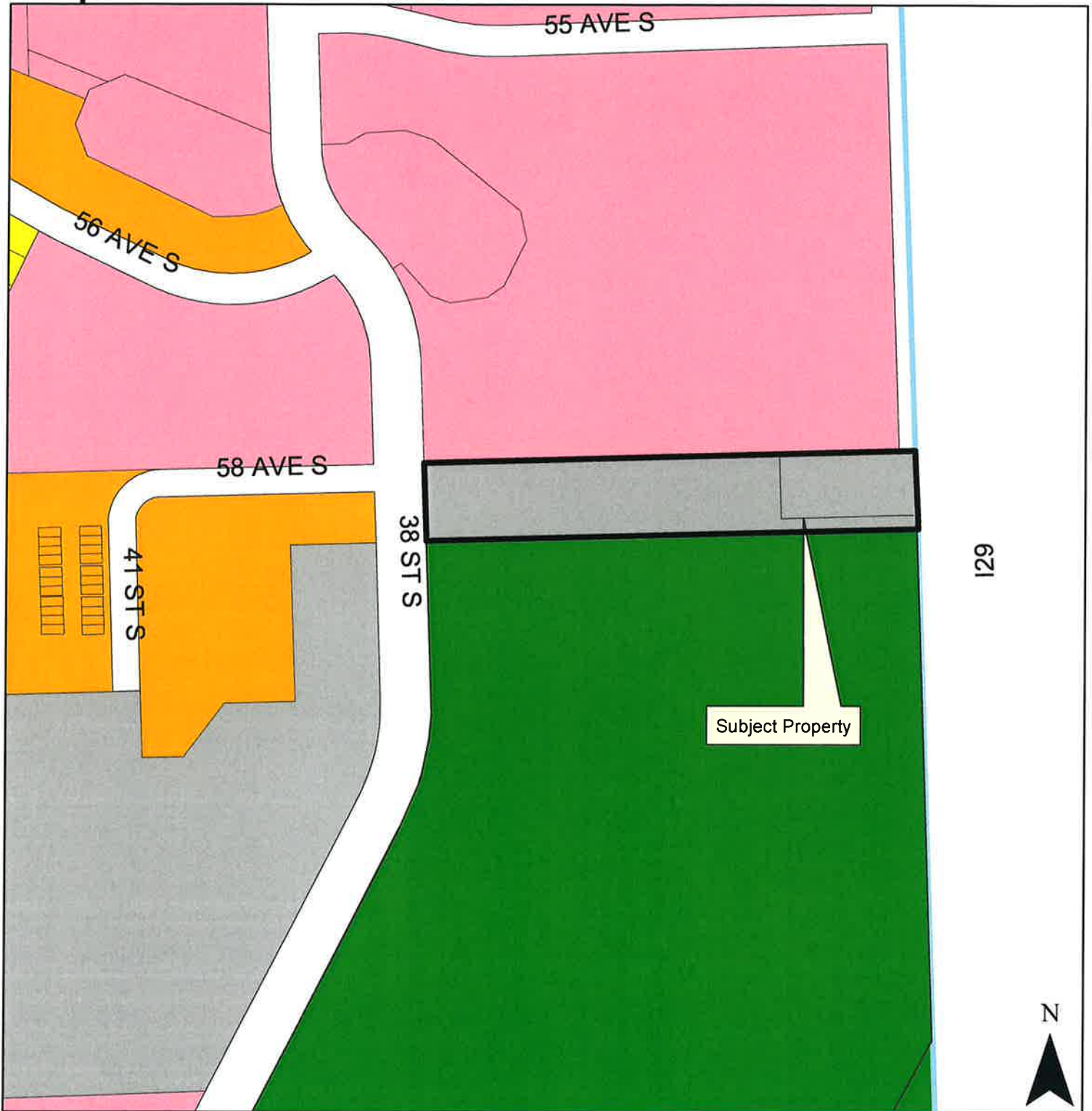




# Zone Change (AG to MR-3 with PUD) and Plat (Minor)

## Maplewood Estates 2nd Addition

5800 and 5820 38th Street S



### Legend

AG	DMU	LC	MHP	SR-2
CC	MR-1	MNO	SR-3	SR-4
GO	MR-2	PD	SR-5	SR-6
	MR-3	UMU	City Limits	

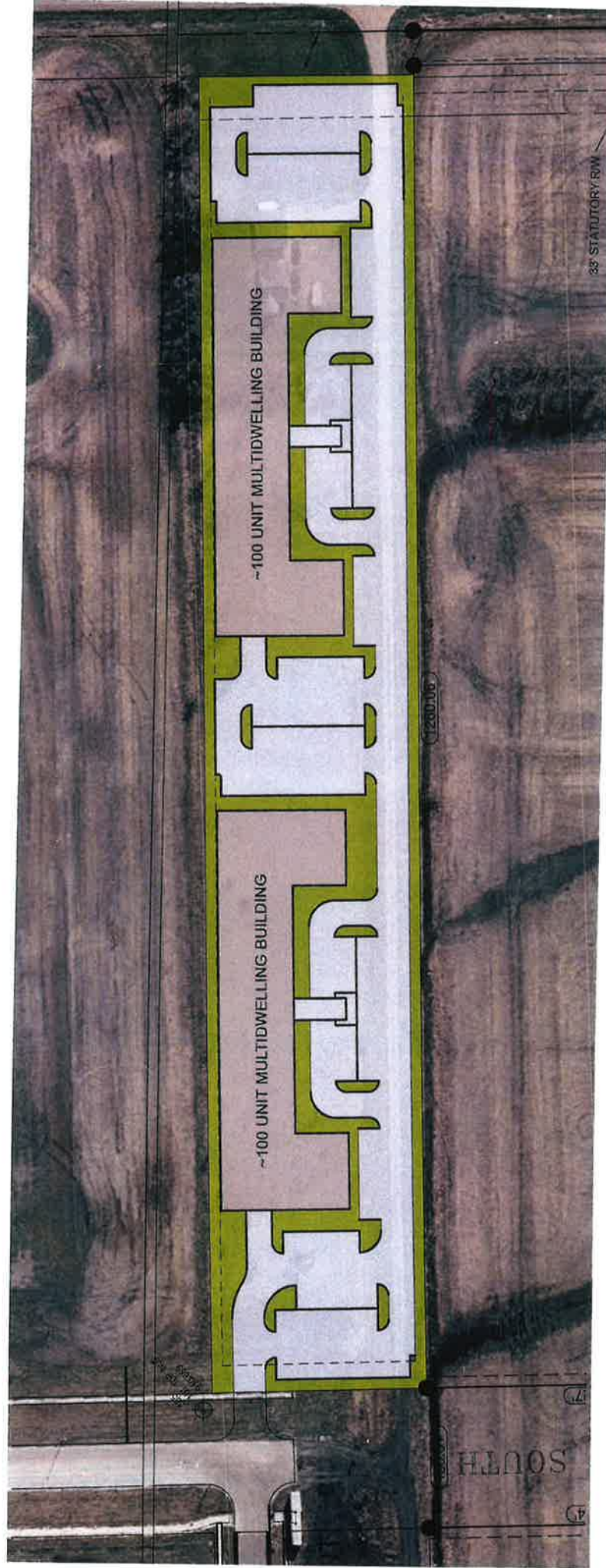


# Maplewood Estates 2nd Addition

## Master Land Use Plan



**EAGLERIDGE  
DEVELOPMENT**  
eagleridgedevelopment.com



### OPEN SPACE LANDSCAPING

SITE AREA = 252,021 SF  
LDC PLANT UNITS REQ'D = 3 PU / 1,000  
SF SITE = 757 PLANT UNITS REQ'D

PARKING  
~ 380 PARKING STALLS

MAXIMUM OF 200 RESIDENTIAL UNITS.

REVISED September 7, 2021



### MAPLEWOOD ESTATES 2<sup>ND</sup> ADDITION PUD STATEMENT AND CHART

**DEVELOPER'S STATEMENT OF INTENT:** The purpose of the PUD for Maplewood Estates 2<sup>nd</sup> Addition, a 200-unit master planned residential community, is to create a vibrant urban lifestyle setting that provides individuals with places to live that are within walking distance of restaurants, shopping, entertainment, and large park facilities. The PUD will include a site plan for the development that is incorporated here by reference. The PUD will, generally, apply the MR-3 development standards, except as otherwise provided below:

	<b>Current LDC development standards for MR-3 zone</b>	<b>PUD modifications to MR-3 zone development standards</b>	<b>Notes</b>
Allowed Uses	detached houses, attached houses, duplexes, multi-dwelling structures, daycare centers up to 12 children or adults, group living, parks and open space, religious institutions, safety services, schools, and basic utilities.	<i>No change proposed</i>	
Residential Density	24 du/ac	<i>Increase to 36 du/ac</i>	200 du / 5.63 ac = 35.5 round to 36
Setbacks	Front 25 ft. Rear 20 ft Interior Side 10 ft Street Side 12.5 ft	<i>No change in dimensions requested. Applicant requests the setbacks be designated as: Front (38th St S) Rear (Interstate) Sides (North &amp; South sides)</i>	
Building Coverage	35% of total lot area	<i>Increase to 40%</i>	
Minimum open space	35% of total lot area	<i>Reduce to 25%</i>	
Parking-Residential—Multi-dwelling	2.25 spaces per unit	<i>Modify parking ratio to: Efficiency units 1.5 spaces per unit 1-bedroom units 1.75 spaces per unit 2-bedroom units 2.0 spaces per unit 3-bedroom units 2.25 spaces per unit</i>	Applicant proposes a modified parking ratio based on the sizes of the individual units.
Landscaping—Open Space	3 plant units per 1,000 SF of area; 8 sf per unit,	<i>Modify requirement for 70% of plant units to be in the front setback to requirement for 40% of plant units to be in the front setback and 30% to be on the east side.</i>	



## Maplewood Estates 2<sup>nd</sup> Addition PUD



Planned Unit Development  
5605 38<sup>th</sup> Street South  
Fargo, ND



**EAGLERIDGE**  
DEVELOPMENT

EagleRidge Development  
701-540-7159  
[eagleridgedevelopment.com](http://eagleridgedevelopment.com)

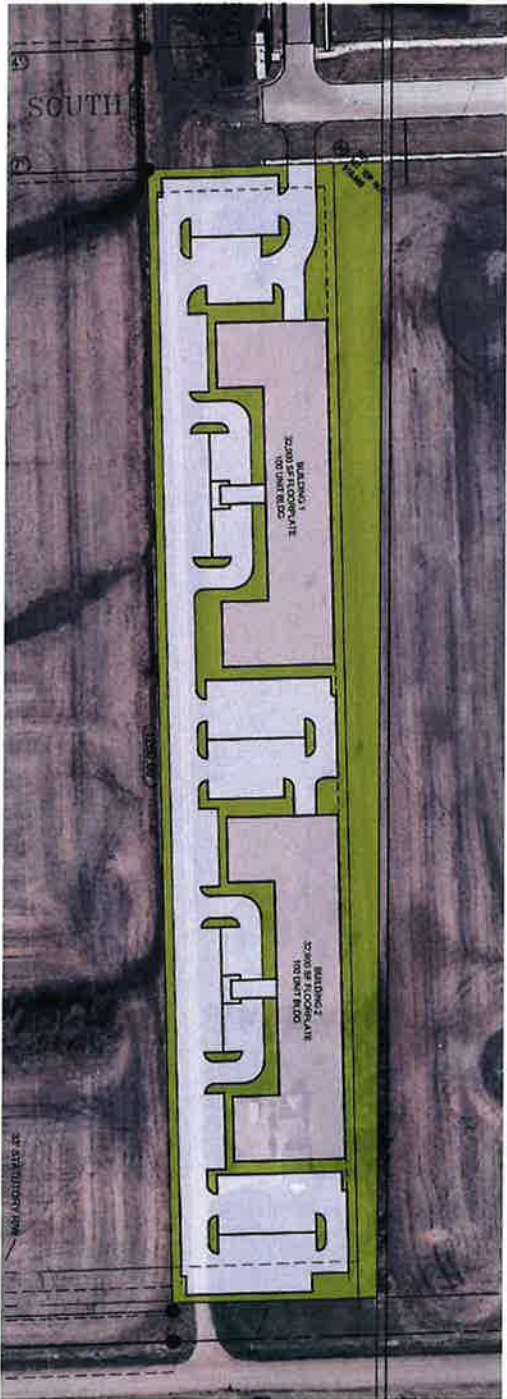
Concept

# Maplewood Estates 2nd Addition

An EagleRidge Community



**EAGLERIDGE**  
COMMUNITY DEVELOPMENT  
eagleridgedevelopment.com



## Project Narrative

EagleRidge Development submits this proposed planned unit development (PUD) request to create an upscale multi-family project in south Fargo. This project will consist of 200 residential units. There will be a combination of studio, 1-bedroom, 2-bedroom, and 3-bedroom apartment options. The project will provide parking per the table below:

Maplewood Estates 2nd PUD Parking Ratios	
Unit Type	Stalls/Unit
Efficiency	1.5
1-Bedroom	1.75
2-Bedroom	2
3-Bedroom	2.25

The purpose of the proposed PUD is to create a vibrant urban lifestyle setting that provides individuals with places to live and work that are within walking distance of restaurants, shopping, entertainment, and large park facilities.

Acquiring the individual house parcel on the far east side of this plat allows us to work in concert with the City to eliminate the need for a fully improved frontage road along the interstate. The result of the frontage road vacation leaves us with a unique parcel in terms of the shape and size, along with access limitations that create a challenge from a land planning perspective.

The proposed PUD allows the property to be fully develop an upscale residential community without the need for any additional municipal infrastructure.

## Statement of Intent

The provisions of the PUD are intended to allow this unique parcel to fully develop as an upscale residential community overlooking the new park facility immediately south of this property. The proposed PUD will allow for over double the amount of taxes generated from a traditional apartment project and will provide for a better use of existing municipal infrastructure.

This project will include underground parking for residents. Additional on-site amenities for the residents will include a large rooftop patio, fitness facilities, co-working common areas, and pet friendly services.



## The Team

**Architectural:** YHR Partners

**Engineering:** MBN Engineering

**Structural:** Sandman Structural Engineers

### **EagleRidge Development**

When it comes to building, EagleRidge Development is involved from start to finish. We are dedicated to building communities that not only meet the needs of residents and investors, but that also stand the test of time. That is why we follow a process that guarantees success.

By building lasting relationships with contractors and subcontractors, working with tenants to ensure their desires are met and finding investors that are as passionate about our projects as we are, we set ourselves apart from other developers.

### **Jim Bullis**

Jim Bullis has been actively engaged in the planning and development of residential and mixed-use communities in the Fargo-Moorhead and surrounding areas for more than 20 years. Mr. Bullis is an attorney licensed to practice in both North Dakota and Minnesota. His legal practice concentrates in the areas of commercial law and real estate development.

### **Jon Youness, PE**

Jon Youness joined the EagleRidge Development team in 2013 and has played an integral role in land acquisition, entitlements, and financial analysis for single family and multi-family properties. Mr. Youness also oversees and coordinates the design, permitting, and construction of multiple multi-family and commercial developments and is also actively involved in new product development for EagleRidge Development's multi-family construction affiliate.

**For more information, please contact us:**

[eagleridgedevelopment.com](http://eagleridgedevelopment.com)

[info@eagleridgecompanies.com](mailto:info@eagleridgecompanies.com)

701-540-7159



OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

27a2

AN ORDINANCE REZONING CERTAIN PARCELS OF LAND  
LYING IN MAPLEWOOD ESTATES SECOND ADDITION  
TO THE CITY OF FARGO, CASS COUNTY, NORTH DAKOTA

WHEREAS, the Fargo Planning Commission and the Board of City Commissioners of the City of Fargo have held hearings pursuant to published notice to consider the rezoning of certain parcels of land lying in Maplewood Estates Second Addition to the City of Fargo, Cass County, North Dakota; and,

WHEREAS, the Fargo Planning Commission recommended approval of the rezoning request on October 5, 2021; and,

WHEREAS, the rezoning changes were approved by the City Commission on May 16, 2022,

NOW, THEREFORE,

Be It Ordained by the Board of City Commissioners of the City of Fargo:

Section 1. The following described property:

All of Maplewood Estates Second Addition to the city of Fargo, Cass County, North Dakota,

is hereby rezoned from "AG", Agricultural, District to "MR-3", Multi-Dwelling Residential, District and to enact a "PUD", Planned Unit Development Overlay, District as follows:

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

	<b>Current LDC development standards for MR-3 zone</b>	<b><i>PUD modifications to MR-3 zone development standards</i></b>
Residential Density	24 du/ac	<i>Increase to 36 du/ac</i>
Setbacks	Front 25 ft. Rear 20 ft Interior Side 10 ft Street Side 12.5 ft	<i>No change in dimensions requested. Applicant requests the setbacks be designated as: Front (38th St S) Rear (Interstate) Sides (North &amp; South sides)</i>
Building Coverage	35% of total lot area	<i>Increase to 40%</i>
Minimum open space	35% of total lot area	<i>Reduce to 25%</i>
Parking-Residential—Multi-dwelling	2.25 spaces per unit	<i>Modify parking ratio to: Efficiency units 1.5 spaces per unit 1-bedroom units 1.75 spaces per unit 2-bedroom units 2.0 spaces per unit 3-bedroom units 2.25 spaces per unit</i>
Landscaping—Open Space	3 plant units per 1,000 SF of area; 8 sf per unit	<i>Modify requirement for 70% of plant units to be in the front setback to requirement for 40% of plant units to be in the front setback and 30% to be on the east side.</i>

Section 2. The City Auditor is hereby directed to amend the zoning map now on file in his office so as to conform with and carry out the provisions of this ordinance.

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

Section 3. This ordinance shall be in full force and effect from and after its passage and approval.

(SEAL)

\_\_\_\_\_  
Timothy J. Mahoney, M.D., Mayor

Attest:

\_\_\_\_\_  
Steven Sprague, City Auditor

First Reading:  
Second Reading:  
Final Passage:





**ARLETTE PRESTON, CITY COMMISSIONER**

Fargo City Hall  
225 4th Street North  
Fargo, ND 58102-4817  
Phone: 701.715.2862 | Fax: 701.476.4136  
[www.FargoND.gov](http://www.FargoND.gov)

**MEMORANDUM**

**TO: BOARD OF CITY COMMISSIONERS**

**FROM: COMMISSIONER ARLETTE PRESTON**

**DATE: MAY 16, 2022**

**SUBJECT: TASK FORCE TO ADDRESS STREET RACING**

A Town Hall meeting was held on May 5th with approximately 50 residents from around the entire city attending. They live in areas of town affected by the street racing we've been hearing about – North University Drive, 19th Avenue North, 10th Street North, South University Drive, 25th Street South, 52nd Avenue South and other scattered areas. A number of people from the Rose Creek, Oak Creek and other neighborhoods were in attendance.

There were numerous complaints about speeding, racing and the noise associated with it. Concern was expressed about property values declining and a few even talked about moving out of neighborhoods because of the disturbances.

Even though there were calls for increased police surveillance, attendees recognized the entire solution does not reside with law enforcement and they called for a "whole community" approach. Suggested solutions included roadway changes, providing another outlet for "scratching the itch" for speeding, stoplight changes, community involvement and a number of other suggestions.

I am proposing that a Task Force of 7-11 people be appointed with membership from impacted residents, business owners along any of these routes, the Fargo Police Department and the Fargo Engineering Department with Michael Redlinger, Assistant City Administrator, as Chair. The Task Force would be charged with the following tasks:

- 1) Become educated on the topic and the impact of street racing - and the noise generated by it - on local residents
- 2) Research various solutions used by other cities across the nation and in other countries
- 3) Identify state and local law changes/enhancements that would assist in addressing the issue
- 4) Identify how the community (businesses and residents) can assist in addressing the problem
- 5) Develop strategies for City Commission adoption which will address the issues of street racing and the nuisance noise generated by it

The Street Racing Task Force would meet 4-6 times over a 6 month period to accomplish its work. It will require staff support for the meetings.

**RECOMMENDED MOTION:** To direct the Assistant City Administrator to identify a process for appointing membership to the Street Racing Task Force with the above stated purpose and process identified.

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**MEMORANDUM**

**TO: BOARD OF CITY COMMISSIONERS**

**FROM: MAYOR TIMOTHY J. MAHONEY**



**DATE: MAY 16, 2022**

**SUBJECT: APPOINTMENTS TO THE ECONOMIC DEVELOPMENT INCENTIVES COMMITTEE**

The City Commission approved a change to the former Tax Exempt Review Committee, in December 2021 adding two additional members of the public.

Attached you will find a recommendation from Commissioner Dave Piepkorn for the appointment of Jonathan Eisert and Dean of Business at NDSU Scott Beaulier. Their applications are attached for your information.

Your favorable consideration of this recommendation will be greatly appreciated.

**RECOMMENDED MOTION:** Approve the appointments of Jonathan Eisert and Scott Beaulier as members of the Economic Development Incentives Committee.

**MEMORANDUM**

**TO: Mayor Tim Mahoney**

**FROM: Deputy Mayor Dave Piepkorn**



**DATE: May 6, 2022**

**SUBJECT: Appointments to the Economic Development Incentives Committee**

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There are two openings on the Economic Development Incentives Committee. These openings were created with the membership change to the Committee in December. The openings were made public, and Fargo residents submitted applications to serve on the Committee.

I am recommending that Scott Beaulier and Jonathan Eisert be appointed to the Economic Development Incentives Committee. Their applications are attached for your information.

**From:** no reply  
**Sent:** Monday, April 18, 2022 10:33 AM  
**To:** Commissions Applications  
**Subject:** New Form Submission: Getting involved in government

**Name:**  
[Scott Beaulier]  
**Mailing Address:**  
[REDACTED]  
**City:**  
[Fargo]  
**State:**  
[North Dakota]  
**Zip:**  
[58103]  
**Work Phone:**  
[REDACTED]  
**Home Phone:**  
[REDACTED]  
**E-mail:**  
[REDACTED]

**Which boards or commissions would you like to be considered for?**

[Economic Development Incentives Committee]

**Briefly state why you would like to be on this panel:**

[Discussed TIF Committee with Mayor Mahoney and Council Member Piepkorn. ]

**How many hours per month could you volunteer as a panel member?**

[Flexible. ]

**Please list any past experience you have with city government here or in other cities:**

[Five years on Fargo Public Library Board, current President.]

**Please describe any professional experience you have related to the responsibilities of the panel you are interested in:**

[PhD in Economics; Dean of Business at NDSU.]

**We will retain your application for three years and consider you for the board you have indicated interest in when a vacancy arises.**

**From:** no reply  
**Sent:** Monday, April 18, 2022 2:35 PM  
**To:** Commissions Applications  
**Subject:** New Form Submission: Getting involved in government  
**Attachments:** Jonathan Eisert Resume v2.pdf

**Name:**

[Jonathan Eisert]

**Mailing Address:**

[Redacted]

**City:**

[Fargo]

**State:**

[North Dakota]

**Zip:**

[58104]

**Work Phone:**

[Redacted]

**Home Phone:**

[Redacted]

**E-mail:**

[Redacted]

**Which boards or commissions would you like to be considered for?**

[Economic Development Incentives Committee]

**Briefly state why you would like to be on this panel:**

[Strong interest in real estate in Fargo, including reading about developments and attending events related to real estate]

**How many hours per month could you volunteer as a panel member?**

[variable, based on need]

**Please list any past experience you have with city government here or in other cities:**

[Three year Public Policy Committee Member on the Fargo Moorhead West Fargo Chamber of Commerce]

**Please describe any professional experience you have related to the responsibilities of the panel you are interested in:**

[Twelve years of commercial banking experience. Knowledge in credit risk assessment, evaluation in company and property performance, and banking guidelines. Experience in negotiating loan structures and terms, including but not limited to costs, repayment methods, collateral requirements, loan covenants for both real estate and non-real estate deals. Masters of Business: courses in accounting, finance, economics, and business ethics (Concordia University Saint Paul, MN)]

**We will retain your application for three years and consider you for the board you have indicated interest in when a vacancy arises.**



# FARGO POLICE DEPARTMENT

A SAFE AND UNIFIED COMMUNITY BUILT ON TRUST, ACCOUNTABILITY AND INCLUSION

## NEIGHBORHOOD SERVICES DIVISION

### MEMORANDUM

**To:** Board of City Commissioners

**From:** Chief David Zibolski

*DZ by [signature]*

**Date:** May 12, 2022

**RE :** Designated Downtown Cab and Ride Share Pick-Up areas

In December of 2021 I initiated a meeting with representatives of the Downtown Community Partnership and many downtown business owners to allow for a discussion about downtown safety, specifically at bar close. Through collaboration the group supports establishment of designated cab and ride share pick-up areas for the purposes of dispersing crowds which congregate in and around bars at bar closing, and in an effort to make sober rides more available to bar patrons. Members of the department have met with representatives of Lyft, Uber, and most recently Doyle Cab Company to receive input on how they could help us reach our goal. Both Lyft and Uber have agreed to geo fencing specific areas in Downtown Fargo for the purposes of limiting where those requesting a ride could be picked up. Representatives of Doyle Cab have offered cooperation with our agency as we work through this complex plan.

Members of the police department have met with Engineering and the City Attorney's office, and have a tentative plan for change to our current city parking ordinance to allow for the proposed designated pick-up areas.

The tentative plan is as follows:

- City parking ordinance would be modified to allow for designated pick-up areas at specific times
- Time-frame of parking restriction for designated areas would be Thursday through Sunday Morning 7:00 P.M. to 3:00 A.M.
- Parking restriction will only apply to the area within the western boundary of 7<sup>th</sup> St. N., the northern boundary of 7<sup>th</sup> Ave. N., the eastern boundary of 5<sup>th</sup> St. N. and the southern boundary of the north side of Main Ave.
- There will be multiple areas designated for pick-up (see attached map) within the boundaries
- The ordinance would only regulate cab and ride share pick-up and not drop offs
- After implementation of the ordinance change, pick-up locations could be added or removed from the proposed area by resolution

This proposed timeline for this project is as follows:



- Waive receipt and filing and first reading May 31, 2022
- Second reading with adoption June 13, 2022
- Adoption published June 18, 2022

### Recommended Motion

I move to approve the continued planning and development of the proposed designated parking/pick-up plan and direct the Police Department to continue to work with the Engineering and the City Attorney's office to present revised Ordinances.

### Map





COVER SHEET  
CITY OF FARGO PROJECTS

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This sheet must be completed and turned in with all City of Fargo projects. NO items will be accepted by either the City Commission Office or the City Auditor's Office without this cover sheet attached and properly filled out.

Exact, full name of Project as it will appear in the Contract:

Lift Station Repl/Rehab

Project No. FM-22-B

Call For Bids May 16, 2022

Advertise Dates May 25, June 1 & 8, 2022

Bid Opening Date June 22, 2022

Substantial Completion Date May 1, 2023

Final Completion Date June 1, 2023

N/A PWPEC Report (**Part of 2022 CIP**)

X Engineer's Report (Attach Copy)

X Direct City Auditor to Advertise for Bids

X Bid Quantities (Attach Copy for Auditor's Office Only)

N/A Notice to Property Owners (Dan Eberhardt)

X **WIFIA & SRF (460 Fund)** Language Included

X **Separate General, Combined & Electrical Bid Sheets**

Project Engineer Rob Hasey

Phone No. (701) 476-4041

The items listed above are for use on all City projects. The additional items listed below are to be checked only when all or part of a project is to be special assessed:

N/A Create District (Attach Copy of Legal Description)

N/A Order Plans & Specifications

N/A Approve Plans & Specifications

N/A Adopt Resolution of Necessity

N/A Approve Escrow Agreement (Attach Copy for Commission Office Only)

N/A Assessment Map (Attach Copy for Auditor's Office Only)



**ENGINEER'S REPORT**  
**LIFT STATION REPL/REHAB**  
**PROJECT NO. FM-22-B**  
**STS LS #15 LOCATED ON 26TH AVENUE SOUTH BY THE**  
**FARGO COUNTRY CLUB.**

### **Nature & Scope**

This project is for modifying storm sewer lift station #15. This is a flood control lift station that operates during periods of high water on the Red River.

### **Purpose**

This project has been identified as being necessary to protect Fargo during the 1% annual chance flood level (37-foot river gauge height) to pass through Fargo once the Fargo-Moorhead Diversion Project (Diversion) is completed. Currently this lift station has one pump that has reached the end of its service life and needs replacement. A second pump will be added for redundancy. The lift station cover slab will be elevated above the 500 year flood elevation.

### **Feasibility**

The estimated cost of construction is \$749,738.00. The cost breakdown is as follows:

<b>Flood Sales Tax Fund 460</b>		
<b>Construction Cost</b>		<b>\$749,738.00</b>
<b>Fees</b>		
Contingency	10%	\$74,973.80
<b>Total Estimated Cost</b>		<b>\$824,711.80</b>
<b>Funding</b>		
Sales Tax Funds - Flood Control - 460	100.00%	\$824,711.80

**Miscellaneous Costs**

Outside Engineering		\$39,217.00
<b>Total Miscellaneous Costs</b>		<b>\$39,217.00</b>

**Funding**

Sales Tax Funds - Flood Control - 460	100.00%	\$39,217.00
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**Project Funding Summary**

Sales Tax Funds - Flood Control - 460	100.00%	\$863,928.80
<b>Total Estimated Project Cost</b>		<b>\$863,928.80</b>

**This project does not have any alternate or optional containers.**

We believe this project to be cost effective.



  
 Thomas Knakmuhs, PE  
 Assistant City Engineer